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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SIGNATURE CLEANING SERVICES, INC.,

(OTW)

Plaintiff,

Case No.: 1:22-cv-3122 ~~(JMF)~~

-against-

CINCINNATI INSURANCE COMPANY,

Defendant.

**STIPULATION AND ORDER
ALLOWING PLAINTIFF TO FILE
SECOND AMENDED COMPLAINT**

-----X

WHEREAS on March 2, 2022, Plaintiff, Signature Cleaning Services, Inc. (“Plaintiff”) filed its Complaint in this action against Federal Insurance Company, The Cincinnati Insurance Company and The Hanover Insurance Company (“Defendants”) in the Supreme Court of the State of New York, County of New York.

WHEREAS on April 15, 2022, Federal Insurance Company filed a Notice of Removal to remove this action to the United State District Court for the Southern District of New York.

WHEREAS Plaintiff has voluntarily dismissed without prejudice the claim asserted against Federal Insurance Company and The Hanover Insurance Company.

WHEREAS Plaintiff seeks to file its Second Amended Complaint which adds a claim for breach of duty of utmost good faith and fair dealing and seeks a demand for consequential damages.

WHEREAS a copy of Plaintiff’s proposed Second Amended Complaint is attached hereto as Exhibit “A.”

IT IS HEREBY STIPULATED, by and between Plaintiff and defendant Cincinnati Insurance Company (“Remaining Defendant”), by and through their respective counsel, that:

1. Plaintiff should be granted leave to amend to file its Second Amended Complaint, a copy of which is attached hereto as Exhibit “A.”
2. Defendant’s responsive pleading shall be due thirty (30) days after the Second Amended Complaint is filed.

Dated: November 17, 2022

WESTERMAN BALL EDERER
MILLER ZUCKER & SHARFSTEIN, LLP

By: 

Andrews S. Lewner, Esq.
Attorneys for Plaintiff
Signature Cleaning Services, Inc.

Dated: November 17, 2022

WARD LAW, LLC

By: 

Mark Stephenson, Esq.
Attorneys for Defendant
Cincinnati Insurance Company

02613442

ORDER

The Court having reviewed the foregoing Stipulation, and good cause appearing therefore:

IT IS HEREBY ORDERED that Plaintiff, Signature Cleaning Services, Inc. is granted leave to amend to file its Second Amended Complaint, a copy of which is attached hereto as Exhibit “A”.

IT IS ALSO ORDERED that Defendant Cincinnati Insurance Company’s responsive pleadings shall be due thirty (30) days after the Second Amended Complaint is filed.

IT IS FURTHER ORDERED that the Second Amended Complaint is deemed filed as of the date this Order is transmitted via the CM/ECF system.

IT IS SO ORDERED

Dated: November 18, 2022 _____



~~United States District Judge~~

Ona T. Wang
United States Magistrate Judge